



February 25, 2009

VIA ECFS

Ms. Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th St. SW
Washington DC 20554

**RE: Annual Customer Proprietary Network Information Compliance
Certification; EB Docket No. 06-36**

Dear Ms. Dortch:

Pursuant to 47 CFR §64.2009(e), please find attached ABA Net, LLC annual compliance certification and explanation of procedures for 2008. Please do not hesitate to contact me if you have any questions.

Sincerely,

A blue ink signature of Mirsad Causevic, written in a cursive style.

Mirsad Causevic
Chief Executive Officer
Tel: (301) 603-9016 ext. 720
Fax: (301) 603-9017
Email: mirsad.causevic@abanet.us

Attachments

CC: Best Copy and Printing via email at fcc@bcpiweb.com
Joyce Gailey via email at jgailey@kgpartners.net



Annual 64.2009(e) CPNI Certification for 2007, EB Docket 06-36

Date filed: February 25, 2009

Name of company covered by this certification: ABA Net, LLC

Form 499 Filer ID: 825742

Name of signatory: Mirsad Causevic

Title of signatory: Chief Executive Officer

I, Mirsad Causevic, certify that I am an officer of the company named above, and acting as an agent of the company, that I have personal knowledge that the company has established operating procedures that are adequate to ensure compliance with the Commission's CPNI rules. *See* 47 C.F.R. § 64.2001 *et seq.*

Attached to this certification is an accompanying statement explaining how the company's procedures ensure that the company is in compliance with the requirements set forth in section 64.2001 *et seq.* of the Commission's rules [Exhibit A Attachment].

The company has not taken any actions (proceedings instituted or petitions filed by a company at either state commissions, the court system, or at the Commission against data brokers) against data brokers in the past year.

The company has not received any customer complaints in the past year concerning the unauthorized release of CPNI (number of customer complaints a company has received related to unauthorized access to CPNI, or unauthorized disclosure of CPNI, broken down by category or complaint, *e.g.*, instances of improper access by employees, instances of improper disclosure to individuals not authorized to receive the information, or instances of improper access to online information by individuals not authorized to view the information).

Signed _____

A handwritten signature in blue ink, appearing to read "Causevic", written over a horizontal line.

Mirsad Causevic
Chief Executive Officer

Exhibit A
Statement of ABA Net, LLC CPNI Procedures and Compliance
For Compliance Year 2008

Pursuant to 47 CFR §64.2009(e), this statement summarizes ABA Net, LLC's ("ABA Net" or "Company") policy, practices and procedures to ensure compliance with 47 CFR Subpart U, as modified in 2007 ("FCC Rules").

ABA Net is a telecommunications provider of international, interstate and intrastate long distance voice services.

The Company understands its obligations with regard to CPNI and has established operational policies and procedures pursuant to the FCC Rules to safeguard against the unauthorized use or disclosure of CPNI and to conform to the requirement to use, disclose or permit access to customers' CPNI in limited circumstances, including, (i) as required by law; (ii) with customers' approval; or (iii) as allowed by the FCC Rules in the course of providing and marketing ABA Net telecommunications services.

Safeguarding against pretexting

The Company's policy is to take all reasonable measures to discover and protect against unauthorized disclosure or use of Customer Proprietary Network Information ("CPNI"), including the authentication of customers prior to disclosing CPNI based on customer-initiated contacts.

Utilization or Disclosure of CPNI

ABA Net makes available on its website, www.abanet.us, its privacy policy for its customers' confidential information. In addition the Customer Service Agreement, also located on the Company website, includes terms for confidential treatment of the customer information.

The Company obtains and utilizes identifiable CPNI for the following purposes:

- Providing services to its customers, billing its customers for its services, collecting payment for its services, and maintenance and repair of services.
- Where necessary, to protect its rights or property or the rights or property of its underlying carrier, to protect users of its services and other carriers from fraudulent, abusive, unlawful use of or unlawful subscription to its services.
- Inbound telemarketing, referral or administrative services to the customer during a customer-initiated call and with the customer's informed consent.
- Compliance with applicable U.S. law (e.g., under a lawfully issued court order or subpoena).

The Company utilizes CPNI to market service offerings that are within the same category of the service that is already provided to the customer and, therefore, does not require customer approval pursuant to 47 CFR §64.2005. The current company policy requires that all ABA Net marketing campaigns that utilize its customers' CPNI, including

outbound marketing, have approval of an authorized ABA Net supervisor. ABA Net retains a record of all sales and marketing campaigns that use CPNI, whether done by ABA Net or an affiliate. These records are retained for at least one year.

The Company does not use, disclose, or permit access to CPNI to identify or track customers that call competing service providers or for any other purpose that is prohibited by the FCC Rules. Without Customer approval, the Company does not use, disclose or permit access to CPNI to provide or market service offerings within a category of service that the Customer does not already subscribe in accordance with the FCC's Rules.

The Company does not disclose CPNI to any third party, including law enforcement, except (i) pursuant to lawful U.S. process; (ii) under confidentiality agreements in accordance with FCC rules or (iii) if the customer provides affirmative oral, electronic or written permission to allow such disclosure.

Employee Training and Management

ABA Net has implemented training to ensure its employees and outside contractors who have access to CPNI: (i) understand what CPNI is; (ii) understand when they are and when they are not authorized to use or to disclose CPNI and (iii) keep records regarding customer authentications, authorizations and complaints and unauthorized or authorized access or disclosure of CPNI to third parties. Further, ABA Net has implemented a requirement that employees or contractors who have a need to access customer CPNI must review ABA Net's CPNI policy and acknowledge receipt and comprehension thereof.

The Company has a corresponding disciplinary process in place to ensure that its employees and contractors comply with restrictions regarding the use and disclosure of, and access to, CPNI. Non compliance with the CPNI related policies, practices and procedures will result in discipline including, but not limited to, verbal and written warnings and, if not corrected or are done in a malicious or willful way, will lead to termination of employment and any other action available pursuant to law.

Operational Procedures for Customer Approval and Notice

As of December 31, 2008, the Company utilizes customers CPNI only to market services within the same category of the service that is already being provided to the customer and, therefore, did not require customer approval.

If there is a change in the future such that customer approval is required for use or disclosure of CPNI for marketing purposes, the Company will obtain approval and informed consent from its customers through written, oral or electronic methods prior to the use of or access to CPNI pursuant to the FCC Rules by:

- Individually notifying and informing each customer of their right to restrict the use of, disclosure of and access to their CPNI, which notice shall be in accordance

with the FCC rules set forth in 47 CFR §64.2008(c) with regard to the Content of the Notice.

- Using “opt-in” approval when using or disclosing CPNI for purposes of marketing other than permitted under “opt-out” approval in accordance with 47 CFR §64.2007(b).
- Being able to demonstrate that, where the Company relies on a customer’s oral approval, such approval was given in compliance with the FCC Rules.
- Honoring the customer approval or disapproval until the customer revokes or limits such approval or disapproval.
- Maintaining records of customer approvals for at least one year.

Opt-out procedures

- When ABA Net uses the opt-out notification method, ABA Net will provide such notification to the customer, using electronic or written methods, in accordance with FCC Rules set forth in 47 CFR §64.2008(d), including a thirty day waiting period prior to assuming customer approval, an opt-out method at no additional charge and opt-out notifications every two years.

Opt-in procedures

- When ABA Net uses the opt-in notification method, ABA Net will provide such notification to the customer, using oral, electronic or written methods and in accordance with FCC Rules set forth in 47 CFR §64.2008(e).

One time use procedures are utilized by ABA Net for the duration of an inbound or outbound call as follows:

- Following customer authentication, ABA Net uses oral notice to obtain limited, one-time approval for use of CPNI for the duration of an inbound or outbound call, the contents of which notice comport with 47 CFR §64.2008(f).

Additional Safeguards

- For customer-initiated telephone inquiries regarding or requiring access to CPNI, ABA Net representatives follow a procedure to authenticate the customer through a pre-established password, without prompting through use of readily available biographical or account information. If the customer cannot provide a valid password, ABA Net only discloses call detail information by sending it to the customer’s address of record, or by calling the customer at the telephone number of record.
- For online customer access ABA Net utilizes mandatory password protection of account information, including CPNI. Once a customer has been authenticated by ABA Net, which authentication does not make use of readily available biographical or account information, ABA Net utilizes a customer-established password to authorize account access. ABA Net establishes passwords and has employed back-up authentication for lost or forgotten passwords consistent with the requirements of 47 CFR §64.2010(e).

- ABA Net notifies customers in writing or electronically immediately following any account changes, including address of record, authentication, online account and password related changes.
- In limited instances, ABA Net may negotiate alternative procedures with business customers that have both a dedicated account representative and a contract that specifically addresses use of and access to the business customer's CPNI.
- In the case of a breach which results in unauthorized CPNI disclosure, ABA Net has procedures in place to send a notification as soon as practicable and no later than seven days from discovery of the breach, to the United States Secret Service (USSS) and the Federal Bureau of Investigation (FBI) in accordance with 47 CFR §64.2011. Unless otherwise directed by the law enforcement authority or there is an urgent need to notify the customer to prevent harm, ABA Net internal procedure is to notify the customer following notice to law enforcement.
- ABA Net handles customer complaints concerning the unauthorized release of CPNI as a priority with immediate escalation to an officer of the Company, followed by appropriate notification to law enforcement in the case of a breach.
- Record keeping. The company practice is to maintain a record of all instances where CPNI was disclosed or provided to third parties, including law enforcement, whether authorized or unauthorized as in the case of a breach. Such records are maintained in ABA Net archives for at least two years.